

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

GERALD GIFFORD,

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No. 10-325V

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Special Master Christian J. Moran

Petitioner,

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Filed: November 20, 2012

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v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Stipulation; award in the amount to
which respondent does not object

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Respondent.

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UNPUBLISHED DECISION¹

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioner;
Lara Ann Englund, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Gerald Gifford filed an application for attorneys' fees and costs on November 14, 2012. The Court awards the amount to which respondent does not object.

Mr. Gifford alleged that the influenza vaccine caused an adverse reaction and received compensation based upon the parties' stipulation. Decision, filed July 18, 2012. Because Mr. Gifford received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Mr. Gifford seeks a total of **\$26,773.60** in attorneys' fees and costs for petitioner's counsel. Additionally, Mr. Gifford filed a statement of costs in compliance with General Order No. 9, stating that he incurred **\$435.13** in costs while pursuing this claim. Respondent stated that she had no objection to this application for attorneys' fees and costs.

After reviewing the request, the court awards the following:

¹The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

1. **A lump sum of \$26,773.60 in the form of a check payable to petitioner's attorney, Ronald C. Homer, of the law firm Conway, Homer & Chin-Caplan, P.C., and petitioner, Gerald Gifford, for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e).**
2. **A lump sum of \$435.13 in the form a check payable to petitioner, Gerald Gifford.**

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

s/Christian J. Moran

Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.